IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13764 of 2004

Between:

Penumatcha Ramakrishna Raju, S/o Late Subba Raju,
R/o Jagannathpuram (v), Velerupadu (M), Khammam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Velerupadu (M), Khammam

District.
2 S.K. Babula, s/o Mehabub Saheb,
R/o Jagannathapuram, H/o Thotakuri Gommu,

Velerupadu (M), Khammam District.

..RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent and his sub-ordinates in trying to dispossess me from the property house bearing Nos. 3-21 and 3-22 total extend of Ac. 0-40 cents in Sy.No. 381 situated at Jagannathpuram (v) H/o Thotakoorigommnu, Velerupadu (M) Khammam District is illegal, arbitrary and violative of principles of natural justice and consequently direct the 1st respondent not to interfere with the possession of the petitioner except in due process of law and to pass necessary order or orders

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2 : None appeared.

The Court made the following :

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O R D E R :

Petitioner claims to be in possession of the property in House No.3-21 and 3-22 admeasuring Acs.0-40 in Survey No.381 of Jagannathpuram village in Valerupadu Mandal of Khammam District. It is his case that said the property was purchased by his father from the father of the second respondent herein under registered sale deed dated 24-3-1971. It is alleged that when the second respondent tried to interfere with his possession and enjoyment, he filed a suit in O.S.No.711 of 2003 on the file of the Court of Principal Junior Civil Judge, Kothagudem, Khammam District. He also filed I.A.No.997 of 2003 for injunction which was dismissed. Aggrieved by the orders of the Trial Judge's Court, he filed C.M.A.No.6 of 2004 on the file of the Court of Senior Civil Judge, Kothagudem, Khammam District, which is pending. It is now alleged that when the matter is pending, the first respondent and his subordinates are trying to interfere with his possession and on 31-7-2004 the Revenue Inspector came to the spot seeking to vacate the property. Apprehending dispossession the present writ petition is filed seeking writ of mandamus declaring the action of the first respondent and his subordinates in trying to dispossess the petitioner as illegal.

After hearing the learned counsel for the petitioner, this Court is convinced that the writ petition is filed on mere apprehension. Further, when a mandamus is sought against an action, which is proposed or planned, such a writ petition cannot be entertained. Further, the petitioner has already approached the Civil Courts and when his interlocutory application for injunction was dismissed he also preferred C.M.A. He could as well approach the Senior Civil Judge, Kothagudem, for expeditious disposal of his C.M.A. If the C.M.A. is still pending, the Senior Civil Judge, Kothagudem is directed to dispose of the same expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S. RAO, J.)

Dt. 05-08-2004.

Msr.

NOTE : Office to dispatch a copy of this

Order by tomorrow i.e., 6-8-2004.

Also mark a copy of this order to the

Senior Civil Judge, Kothagudem.

B/o.

Msr.

ASSISTNAT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Velerupadu (M), Khammam

District.

2.2CCs to Government Pleader for Revenue, High Court of A.P.,

Hyderabad.(OUT)

3. The Senior Civil Judge, Kothagudem, Khammam District.

4.2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.13764 of 2004

Dt.05-08-2004.

(Msr)